

Message 001

Communication from the Commission - TRIS/(2025) 0147

Directive (EU) 2015/1535

Notification: 2025/0026/IT

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéseket - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20250147.EN

1. MSG 001 IND 2025 0026 IT EN 21-01-2025 IT NOTIF

2. Italy

3A. Ministero delle imprese e del Made in Italy

Dipartimento Mercato e Tutela

Direzione Generale Consumatori e Mercato

Divisione II. Normativa tecnica - Sicurezza e conformità dei prodotti, qualità prodotti e servizi

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3B. Regione Lombardia –

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4. 2025/0026/IT - S30E - Pollution

5. New emission and installation requirements for the installation and operation of biomass-fuelled civil heating systems with a heat output at the hearth greater than 35 kW

6. Biomass-fuelled heating systems with an output exceeding 35 kW and up to 3 MW

7.

8. The Air Quality Intervention Regional Plan (AQIR, ex Legislative Decree 155/2010) provides for actions to reduce emissions of fine particulate matter. Therefore, Regional Executive Decision No 5360/2021 laid down the rules for the installation and operation of biomass-fuelled civil heating systems.

However, in 2020 and 2022, the Court of Justice of the European Union issued two judgments against Italy for exceeding air quality limits (Case C-644/18 and Case C-573/19). These judgments also involve the Regions, such as Lombardy, where this exceedance occurs.

Therefore, by Regional Decree 1754 of 15 January 2024, the Lombardy Region decided, among other things, to strengthen the AQIR measures in force in the three sectors most responsible for emissions: "Agricultural and forestry activities", "Energy and industrial installations", "Road transport and mobility". In relation to the "energy and industrial installations" sector, there was a need to reduce the emissions limit of biomass-fuelled heating systems and a long dialogue with producers was initiated to identify technically achievable emissions limits.

However, on 13 March 2024, the European Commission acknowledged the aggravation of the existing air quality infringement and decided to issue a letter of formal notice under Article 260(2) TFEU.

The Ministry of the Environment therefore intensified the checks, which started in 2021, to discover the measures adopted by the Regions to comply with the limits set out in Directive 2008/50/EC, emphasizing that they had to constitute "new elements", as confirmed in the attached note. As 24 January 2025 approaches, which is the deadline for obtaining these updates, led the Lombardy Region to approve the new limits within the year, while providing for their application from 15 October 2026, taking into account the current provisions of the Papier Mettler judgment and also to give all operators the opportunity to know the new requirements well in advance.

However, Decision No 3649 of 16 December 2024, although adopted, is suspended pending the successful outcome of the notification procedure, as provided for in the Directive. In the event that comments are made by the Commission, the Decision, by express provision, is subject, within the terms of the Directive, to amendments in order to take account of the observations and detailed opinions issued by the Member States following that communication; moreover, it is neither enforceable nor prescriptive against third parties before the expiry of the terms of the Directive and in any case until 15 October 2026.

9. The general interest that DGR 3649/2024 aims to protect is the improvement of air quality and the protection of citizens' health, given that the recent Directive 2024/2881, which updated and recast Directive 2008/50/EC into a new text, provides for even stricter limits, which are to be achieved gradually by 2030. In addition, the European Commission, in accordance with Article 260 TFEU, has initiated infringement proceedings for the aggravation of an existing infringement relating to the incorrect application of Directive 2008/50/EC on ambient air quality - Exceedance of PM10 limit values in Italy, while it has been found in breach under Article 258 TFEU for the second air quality infringement for exceeding NO2 limit values. It is therefore considered urgent to provide for the introduction of particularly virtuous emissions requirements, to be applied for the installation of biomass-fuelled civil heating systems, as a further regulatory measure to prevent infringement for the part under regional competence, as a necessary and proportionate measure to try to achieve, without further delay, the minimum objectives of the Directive and to avoid aggravating the infringement procedures already in place.

10. References to basic texts:

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

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